

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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USCA Docket Number:

USDC Docket Number : 03-12541

Robert P. Goodrich

v.

Tim Hall

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**CLERK'S CERTIFICATE**

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 3/17/05.

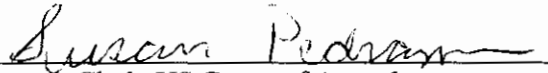
In testimony whereof, I hereunto set my hand and affix the seal of this Court on August 3, 2005.

Sarah A Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 8-4-05.

  
Deputy Clerk, US Court of Appeals

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Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:03-cv-12541-NG**

Goodrich v. Maloney  
Assigned to: Nancy Gertner  
Cause: 28:2254 Petition for Writ of Habeas  
Corpus (State)

Date Filed: 12/01/2003  
Jury Demand: None  
Nature of Suit: 530 Habeas  
Corpus (General)  
Jurisdiction: Federal Question

**Petitioner**

**Robert P. Goodrich**

represented by **Peter E. Gelhaar**

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**Respondent**

**Timothy Hall**  
*Superintendent*

represented by **Maura D. McLaughlin**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
12/01/2003	<u>1</u>	MOTION for Leave to Proceed in forma pauperis by Robert P. Goodrich.(Jenness, Susan) (Entered: 12/17/2003)
12/01/2003	<u>3</u>	MOTION to Appoint Counsel by Robert P. Goodrich. (Jenness, Susan) (Entered: 12/17/2003)
12/17/2003	<u>2</u>	FINANCIAL AFFIDAVIT by Robert P. Goodrich. (Jenness, Susan) (Entered: 12/17/2003)
12/17/2003	•	Case undergoing preliminary screening (Jenness,

		Susan) (Entered: 12/17/2003)
12/17/2003	<u>7</u>	PETITION for writ of habeas corpus pursuant to 28:2254 § 5, receipt number 52562, filed by Robert P. Goodrich.(Diskes, Sheila) (Entered: 01/20/2004)
12/17/2003	•	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Collings. (Diskes, Sheila) (Entered: 01/20/2004)
01/12/2004	<u>4</u>	Judge Nancy Gertner : ORDER entered denying <u>1</u> Motion for Leave to Proceed in forma pauperis as MOOT. The Court's recods indicate petitioner paid the \$5.00 filing fee on December 17, 2003. copies mailed to petitionner and respondent. (Morse, Barbara) (Entered: 01/17/2004)
01/12/2004	<u>5</u>	Judge Nancy Gertner : ORDER entered granting <u>3</u> Motion to Appoint Counsel. Copies mailed to petitioner and respondent. (Morse, Barbara) (Entered: 01/17/2004)
01/12/2004	<u>6</u>	Judge Nancy Gertner : ORDER entered SERVICE ORDER re 2254 Petition. Order entered pursuant to R.4 of the Rules governing Section 2254 cases for service on respondents. Answer/responsive pleading due w/in 20 days of rcpt of this order. It is further ordered the Clerk shall correct the case caption to list Tim Hall, Superintendent a the sole respondent. Copies mailed to petitioner, Superintendent Hall at OCCC and to Attorney General for the Commonwealth (Attn: William J. Meade).(Morse, Barbara) (Entered: 01/17/2004)
01/20/2004	<u>8</u>	ATTORNEY ASSIGNMENT Request forwarded to Magistrate Judge assigned for appointment of counsel. (Molloy, Maryellen) (Entered: 01/20/2004)
01/20/2004	<u>9</u>	Judge Nancy Gertner : ORDER entered REFERRING CASE to Magistrate Judge Robert B. Collings

		Referred for: attorney assignment(Filo, Jennifer) (Entered: 01/20/2004)
01/29/2004	●10	Judge Robert B. Collings : ORDER entered CJA 20: Appointment of Attorney Peter E. Gelhaar for Robert P. Goodrich. (Affsa, Gina) (Entered: 02/05/2004)
02/05/2004	●	As counsel has been appointed, this case is no longer referred to Magistrate Judge Robert B. Collings. (Affsa, Gina) (Entered: 02/05/2004)
02/09/2004	●11	MOTION for Extension of Time to 3/11/04 to File Answer re 7 Petition for writ of habeas corpus (28:2254) by Timothy Hall.c/s(Filo, Jennifer) (Entered: 02/10/2004)
02/09/2004	●12	MOTION for Leave to Dispense with the Conference Requirement of Local Rule 7.1 by Timothy Hall. c/s (Filo, Jennifer) (Entered: 02/10/2004)
02/11/2004	●	Judge Nancy Gertner : Electronic ORDER entered granting 11 Motion for Extension of Time to Answer re 7 Petition for writ of habeas corpus (28:2254) Timothy Hall. (Filo, Jennifer) (Entered: 02/11/2004)
02/18/2004	●	Judge Nancy Gertner : Electronic ORDER entered finding as moot 12 Motion for Leave to Dispense w/conference requirement L.R. 7.1....atty Gelhaar appointed to represent petitioner, see dkt entry #10 for details. (Molloy, Maryellen) (Entered: 02/18/2004)
03/11/2004	●15	ASSENTED TO MOTION to Impound Supplemental Answer by Timothy Hall.(Filo, Jennifer) (Entered: 03/22/2004)
03/11/2004	●16	ANSWER to Complaint by Timothy Hall.(Filo, Jennifer) (Entered: 03/22/2004)
03/11/2004	●17	MOTION to Dismiss Petition for Writ of Habeas Corpus by Timothy Hall.(Filo, Jennifer) (Entered: 03/22/2004)



03/11/2004	● <u>18</u>	MEMORANDUM in Support re <u>17</u> MOTION to Dismiss filed by Timothy Hall. (Filo, Jennifer) (Entered: 03/22/2004)
03/19/2004	● <u>13</u>	NOTICE of Appearance by Jill Lori Brenner on behalf of Robert P. Goodrich (Brenner, Jill) (Entered: 03/19/2004)
03/19/2004	● <u>14</u>	MOTION for Extension of Time to April 8, 2004 to To File Opposition to Respondent's Motion to Dismiss (Assented-To) by Robert P. Goodrich.(Brenner, Jill) (Entered: 03/19/2004)
03/24/2004	●	Judge Nancy Gertner : Electronic ORDER entered granting <u>14</u> Assented to Motion for Extension of Time to file opposition to respondent motion to dismiss...ALLOWED TO 4/8/04. (Molloy, Maryellen) (Entered: 03/24/2004)
04/05/2004	● <u>19</u>	Assented to MOTION for Extension of Time to April 29, 2004 to File Opposition to Respondent's Motion to Dismiss by Robert P. Goodrich.(Brenner, Jill) (Entered: 04/05/2004)
04/06/2004	●	Judge Nancy Gertner : Electronic ORDER entered granting <u>19</u> Assented to Motion for Extension of Time (Filo, Jennifer) (Entered: 04/06/2004)
04/06/2004	●	Set/Reset Deadlines as to <u>17</u> MOTION to Dismiss. Responses due by 4/29/2004 (Filo, Jennifer) (Entered: 04/06/2004)
04/06/2004	●	Judge Nancy Gertner : Electronic ORDER entered granting <u>15</u> ASSENTED TO Motion to Impound Supplemental Answer (Filo, Jennifer) (Entered: 04/06/2004)
04/16/2004	● <u>20</u>	SEALED DOCUMENT (Supplement answer) placed in secure file room.. (Filo, Jennifer) (Entered: 04/16/2004)
04/29/2004	● <u>21</u>	STIPULATION of Dismissal of <i>Ground Two of</i>

		<i>Petitioner's Writ of Habeas Corpus</i> by Robert P. Goodrich, Timothy Hall. (Brenner, Jill) (Entered: 04/29/2004)
04/29/2004	●22	Assented to MOTION to Seal <i>Petitioner's Opposition to Respondent's Motion to Dismiss Petition for Writ of Habeas Corpus</i> by Robert P. Goodrich.(Brenner, Jill) (Entered: 04/29/2004)
04/29/2004	●23	Assented to MOTION for Extension of Time to Until Court Enters Order on Petitioner's Assented-To Motion for Leave to Impound Petitioner's Opposition to Respondent's Motion to Dismiss Petition For Writ of Habeas Corpus to File Opposition to Respondent's Motion to Dismiss by Robert P. Goodrich.(Brenner, Jill) (Entered: 04/29/2004)
05/01/2004	●	Judge Nancy Gertner : ELECTRONIC ORDER entered granting 22 Motion to Seal, granting 23 Motion for Extension of Time. (Gertner, Nancy) (Entered: 05/01/2004)
05/03/2004	●24	SEALED Opposition re 17 MOTION to Dismiss Petition for Writ of Habeas Corpus filed by Robert P. Goodrich. (Filo, Jennifer) (Entered: 05/04/2004)
05/03/2004	●25	SEALED AFFIDAVIT of Jill L. Brenner re [24] Opposition to Motion to dismiss Petition fo rWrit of Habeas Corpus by Robert P. Goodrich. (Filo, Jennifer) (Entered: 05/04/2004)
06/07/2004	●	Judge Nancy Gertner : ELECTRONIC ORDER entered denying 17 Motion to Dismiss :Respondent has moved to dismiss Goodrich's petition, arguing that the one claim remaining is unexhausted because he did not present the federal constitutional nature of his claim to the Supreme Judicial Court of Massachusetts. Having reviewed petitioner's brief to the SJC, I find that it meets the minimum requirement that the "state court [was] fairly [ ] alerted to its federal character and

		<p>[was] afforded the opportunity to pass on the validity of the federal constitutional grounds underlying the claim." <i>Tart v. Commonwealth of Massachusetts</i>, 949 F.2d 490, 495 (1st Cir. 1991). In his bold, capitalized argument, which appears twice in the brief to the SJC, petitioner wrote that the prosecutor, "in violation of Amendment XIV and Article XII of the Declaration of Rights," presented perjured information to the grand jury. While it is true that Goodrich did not include a detailed discussion of the specifics of the constitutional claim in the SJC brief, he did twice cite a specific provision of the Constitution. See <i>Gagne v. Fair</i>, 835 F.2d 6, 7 (1st Cir. 1987) (citing <i>Dougan v. Ponte</i>, 727 F.2d 199, 201 (1st Cir. 1984) and holding that among the methods in which a petitioner may fulfill the exhaustion requirement is "citing a specific provision of the constitution.") I find that a "reasonable jurist would recognize the constitutional dimensions of the petitioner's claims, given the manner in which those claims were presented" to the SJC. <i>Barresi v. Maloney</i>, 296 F.3d 48, 52 (1st Cir. 2002). Respondant's motion to dismiss is therefore DENIED. (Gertner, Nancy) (Entered: 06/07/2004)</p>
06/25/2004	● <u>26</u>	JOINT MOTION for Briefing Schedule by Robert P. Goodrich, Timothy Hall.(Filo, Jennifer) (Entered: 07/01/2004)
07/02/2004	●	Judge Nancy Gertner : Electronic ORDER entered granting <u>26</u> Joint Motion for Briefing Schedule (Filo, Jennifer) (Entered: 07/02/2004)
07/12/2004	● <u>27</u>	Assented to MOTION to Seal <i>Petitioner's Memorandum in Support of Issuance of Writ of Habeas Corpus</i> by Robert P. Goodrich.(Brenner, Jill) (Entered: 07/12/2004)
07/19/2004	● <u>28</u>	Assented to MOTION for Extension of Time to July 23, 2004 to File Memorandum in Support of Issuance



		of Writ of Habeas Corpus by Robert P. Goodrich. (Brenner, Jill) (Entered: 07/19/2004)
07/22/2004	●	Judge Nancy Gertner : Electronic ORDER entered granting <u>27</u> Motion to Seal, granting <u>28</u> Motion for Extension of Time to 7/23/04. (Molloy, Maryellen) (Entered: 07/22/2004)
07/22/2004	● <u>29</u>	Assented to MOTION for Extension of Time to 07/30/04 to File <i>Memorandum In Support of Issuance Of Writ Of Habeas Corpus And To Alter Briefing Schedule</i> by Robert P. Goodrich.(D'Orsi, Michael) (Entered: 07/22/2004)
07/30/2004	●	Judge Nancy Gertner : Electronic ORDER entered granting <u>29</u> Motion for Extension of Time to File (Filo, Jennifer) (Entered: 07/30/2004)
08/02/2004	● <u>30</u>	SEALED MEMORANDUM by Robert P. Goodrich in Support to <u>7</u> Petition for writ of habeas corpus (28:2254). (Filo, Jennifer) (Entered: 08/02/2004)
08/02/2004	● <u>31</u>	SEALED AFFIDAVIT of Jill L. Brenner re [30] Memorandum in Support by Robert P. Goodrich. (Filo, Jennifer) (Entered: 08/02/2004)
08/26/2004	● <u>32</u>	ASSENTED TO MOTION for Extension of Time to 9/3/04 to File Response/Reply as to <u>7</u> Petition for writ of habeas corpus (28:2254) by Timothy Hall.(Filo, Jennifer) (Entered: 08/30/2004)
08/30/2004	●	Judge Nancy Gertner : Electronic ORDER entered granting <u>32</u> Assented to Motion for Extension of Time to File Response/Reply Responses due by 9/3/2004 (Filo, Jennifer) (Entered: 08/30/2004)
09/03/2004	● <u>33</u>	ASSENTED TO MOTION to Seal by Timothy Hall. (Filo, Jennifer) (Entered: 09/09/2004)
09/03/2004	● <u>34</u>	SEALED MEMORANDUM OF LAW in Opposition by Timothy Hall to <u>7</u> Petition for writ of habeas corpus (28:2254). (Filo, Jennifer) (Entered:

		09/09/2004)
09/29/2004	● <u>35</u>	Assented to MOTION for Extension of Time to October 8, 2004 to File Reply Memorandum by Robert P. Goodrich.(Brenner, Jill) (Entered: 09/29/2004)
10/05/2004	● <u>36</u>	Assented to MOTION to Seal <i>Petitioner's Reply Memorandum in Support of Issuance of Writ of Habeas Corpus</i> by Robert P. Goodrich.(Brenner, Jill) (Entered: 10/05/2004)
10/06/2004	● <u>37</u>	Assented to MOTION for Extension of Time to October 15, 2004 to File Reply Memorandum in Support of Issuance of Writ of Habeas Corpus by Robert P. Goodrich.(Brenner, Jill) (Entered: 10/06/2004)
10/07/2004	●	Judge Nancy Gertner : Electronic ORDER entered granting <u>36</u> Motion to Seal, granting <u>37</u> Motion for Extension of Time (Filo, Jennifer) (Entered: 10/07/2004)
10/14/2004	● <u>38</u>	Assented to MOTION for Extension of Time to October 22, 2004 to File Reply Memorandum In Support of Issuance of Writ of Habeas Corpus by Robert P. Goodrich.(Brenner, Jill) (Entered: 10/14/2004)
10/22/2004	● <u>39</u>	SEALED REPLY MEMORANDUM in Further Support of Issuance of Writ of Habeas Corpus by Robert P. Goodrich. (Filo, Jennifer) (Entered: 10/25/2004)
12/01/2004	●	Judge Nancy Gertner : Electronic ORDER entered granting <u>35</u> Motion for Extension of Time, granting <u>38</u> Motion for Extension of Time (Molloy, Maryellen) (Entered: 12/01/2004)
01/07/2005	● <u>40</u>	Assented to MOTION to Seal Document by Timothy Hall.(McLaughlin, Maura) Additional attachment(s)

		added on 1/11/2005 (Filo, Jennifer). (Entered: 01/07/2005)
03/11/2005	●41	Judge Nancy Gertner : ORDER entered. MEMORANDUM AND ORDER RE: PETITION FOR HABEAS CORPUS(Filo, Jennifer) (Entered: 03/14/2005)
03/11/2005	●42	Judge Nancy Gertner : ORDER entered. ORDER DISMISSING CASE(Filo, Jennifer) (Entered: 03/14/2005)
03/17/2005	●43	NOTICE OF APPEAL as to 41 Memorandum & ORDER, 42 Order Dismissing Case by Robert P. Goodrich. No Fee Required because CJA Appointment. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 4/6/2005. (Meixel, Jill) (Entered: 03/17/2005)
04/05/2005	●44	Assented to MOTION to Seal Document by Robert P. Goodrich.(Meixel, Jill) (Entered: 04/05/2005)